



Date of Notice of Allowance: December 13, 2006
Application Serial No.: 09/872,185

Dkt. 64080/JPW/JCS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : David M. Stern, et al.
Serial No. : 09/872,185 Examiner: J. Seharaseyon
Filed : June 1, 2001 Group Art Unit: 1647
For : RAGE-RELATED METHODS FOR TREATING
INFLAMMATION

1185 Avenue of the Americas
New York, New York 10036
March 9, 2007

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**COMMUNICATION FORWARDING SUBSTITUTE DECLARATION
IN RESPONSE TO REQUIREMENT IN NOTICE OF ALLOWABILITY**

This Communication is submitted in response to the requirement on pages 2 and 3 of the Notice of Allowability which accompanied the Notice of Allowance issued December 13, 2006 by the United States Patent and Trademark Office in connection with the above-identified application. A copy of the Notice of Allowability is attached hereto as **Exhibit A**. A response is due March 13, 2007. Accordingly, this Communication is being timely filed.

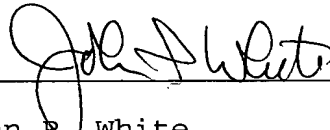
The Notice of Allowability required submission of a substitute oath or declaration to the United States Patent and Trademark Office in which priority of PCT/US99/23303 is claimed under 35 U.S.C. §120 and not under 35 U.S.C. §119. In response, applicants attach hereto as **Exhibit B** a Substitute Declaration which complies with this requirement.

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If a telephone interview would be of assistance in advancing consideration of this Communication, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Attorneys for Applicants
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New York, New York 10036
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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

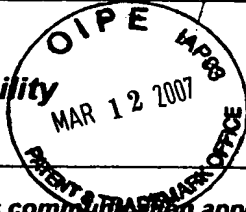
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 3/9/07
John P. White Date
Reg. No. 28,678

0575/64080

JPIV/ASJ/JCS

Notice of Allowability



Application No.	Applicant(s)	
09/872,185	STERN ET AL.	
Examiner	Art Unit	
Jegatheesan Seharaseyon, Ph.D	1647	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

Issue Fee }
Publ. Fee } 3/13/07
Continuation }

1. ☒ This communication is responsive to 11/22/2006.
2. ☒ The allowed claim(s) is/are 3,7-13 and 16-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

DEC 13 2006

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none">1. <input type="checkbox"/> Notice of References Cited (PTO-892)2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>11/22/2006</u>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none">5. <input type="checkbox"/> Notice of Informal Patent Application6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20061206</u>.7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance9. <input type="checkbox"/> Other _____. |
|--|---|

CHRISTINE J. SAOUD
PRIMARY EXAMINER
Christine J. Saoud

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/22/2006 has been entered. An action on the RCE follows.

2. Claims 3, 7-13 and 16-18 are pending.

Information Disclosure Statement

3. The IDS submitted on 11/22/06 has been considered. The references submitted previously and considered have been lined thru.

Priority

4. Applicants have updated the priority information on the first paragraph of the specification.

Oath/Declaration

5. Applicant is now required to submit a substitute declaration or oath to correct the deficiencies set forth in the interview summary attached. Specifically, priority for PCT/US99/23303 should be claimed under 35 U. S.C 120 and not under 35 U.S.C. 119(a)-(d). The substitute oath or declaration must be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability" (PTO-37). Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136. Failure to timely file the substitute declaration (or oath) will result in **ABANDONMENT** of

the application. The transmittal letter accompanying the declaration (or oath) should indicate the date of the "Notice of Allowance" (PTOL-85) and the application number in the upper right hand corner.

6. Claims 3, 7-13 and 16-18 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jegatheesan Seharaseyon, Ph.D whose telephone number is 571-272-0892. The examiner can normally be reached on M-F: 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback can be reached on 571-272-0961. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1647

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

Art Unit 1647,
December 7, 2006.

CHRISTINE J. SAOUD
PRIMARY EXAMINER

Christine J. Saoud